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THE HONORABLE LORNA G. SCHOLZ
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK
THURGOOD MARSHALL
UNITED STATES COURTHOUSE
40 FOLEY SQUARE
NEW YORK, N.Y. 10007

10007-150723

Franklin Mendez

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November 8, 2023

The Honorable Lorna G. Schofield

United States District Judge

Southern District of New York Thurgood Marshall

United States Courthouse

40 Foley Square

New York, NY 10007

Re: Complaint Franklin Mendez v. John Jay College of Criminal Justice, Case No. 23 Civ. 8816

Title: Urgent Request for Investigation and Remediation: Alleged Discrimination Against a Legally Blind Student at John Jay College's Accessibility Office

"Evidence of Continued Failure to Reasonably Accommodate and Court Oversight Demanded"

Dear Judge Scholfield,

I am writing to respectfully inform the Court of a concerning incident that occurred on November 7th during my attempt to take a mathematics exam with accommodations through John Jay College's Accessibility Office.

When I arrived for my scheduled 9:00pm exam, I overheard the Director of the Accessibility Office, Dr. Beharry, engaged in a hushed conversation with staff about a potential investigation into my previous communications requesting appropriate accommodations as a legally blind student. I found this discussion to be inappropriate given the circumstances.

Additionally, the Accessibility Office failed to provide me with the necessary magnification equipment I require as an accommodated exam, further exacerbating the distressed state I entered the testing environment in.

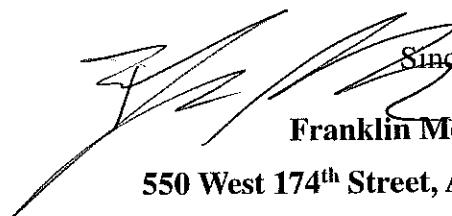
The same staff member I then overheard discussing the investigation with Dr. Beharry was assigned as my proctor for the exam. However, she negatively impacted my ability to focus and complete the exam by leaving the door wide open, exposing me to disturbing noise in the hallway. This compromised my trust in receiving an unbiased proctoring experience.

I have been suffering from stress, depression, anxiety and other symptoms as a result of the ongoing discrimination and failure to provide reasonable accommodations. Repeating past failures to initially provide assistive technology or ensure a private testing environment only serves to prolong the resolution of my discrimination complaints against the Accessibility Office for systematically denying me reasonable accommodations guaranteed under the ADA.

I am requesting the Court consider this recent incident as further evidence supporting my motion for injunctive relief against potential retaliation. I also ask that any future accommodated exams or testing be handled through an independent third party proctor to avoid conflicts of interest. Documentation of this event and my overall experience is available upon request.

Thank you for your consideration. Please do not hesitate to contact me if any part of this letter requires clarification or expansion.

Dated: November 8, 2023


Sincerely,
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